

## AGREEMENT

Judge Downey has obtained legal counsel and has consulted with his counsel prior to executing this Agreement.

This Agreement is entered into to address concerns regarding the conduct of Judge Downey. As a result of virus warnings, court staff discovered material on Judge Downey's office computer consisting of adult sexually explicit photographs. This happened on more than one occasion. However, there is no evidence that Judge Downey transmitted such photos to anyone or made a copy of them.

The information regarding Judge Downey's conduct was provided to the State Attorney who indicated that the actions did not constitute a crime.

Judge Downey acknowledges that Judge Demers is concerned that the actions of Judge Downey could possibly indicate addictive behavior that needs treatment. He further acknowledges that Judge Demers, as Chief Judge, must take appropriate action pursuant to the Code of Judicial Conduct to deal with potential violations of the Code.

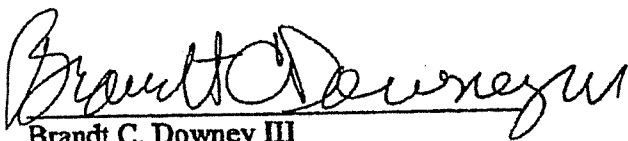
This Agreement is executed to memorialize Judge Downey's prior verbal assurances to Judge Demers.

Accordingly, Judge Downey agrees to do the following:

1. Immediately take leave from his judicial duties.
2. Within the next 7 days be evaluated by a licensed psychologist, licensed mental health professional, or similar professional with experience in addictive disorders. The evaluation professional must be approved by the Chief Judge.
3. Follow the treatment recommended by the evaluation including but not limited to residential treatment at a facility that specializes in treatment of addictions, if recommended by the evaluation. If residential treatment is not recommended, follow a course of outpatient treatment if recommended.
4. Execute a waiver of confidentiality with the evaluation and treatment providers so that the providers will give periodic oral reports to the Chief Judge regarding the treatment of Judge Downey and his ability to perform the duties of a judge, concerning only the results of their evaluation and recommended treatment, if any.
5. After the recommended treatment, if any, obtain a statement from the treatment professional that the addiction, if any, will not interfere with the performance of his duties as a judge. This must be obtained after completing the recommended treatment, if any, and presented to the Chief Judge prior to returning to work.

6. Upon return to work, agree that computer access will be limited for a period of 6 months. Restrictions will not be imposed on CJIS access.
7. Upon return to work, report every two weeks for a period of three months to the Chief Judge regarding his performance.
8. This Agreement is entered into in an effort to address conduct that has been self reported to the Judicial Qualifications Commission. As a result, this Agreement shall remain confidential as provided for under Rule 2.051(c)(3) Judicial Administrative Rule.

This Agreement is executed this 28<sup>th</sup> day of April 2005.



Brandt C. Downey III  
Circuit Judge

MARTIN ERROL RICE, P.A.

ATTORNEY AT LAW

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April 25, 2005

Thomas C. MacDonald, Jr.  
General Counsel  
Florida Judicial Qualifications Commission  
1904 S. Holly Lane  
Tampa, FL 33629-7004

PERSONAL &  
CONFIDENTIAL

Re: Judge Brandt C. Downey, III

Dear Mr. MacDonald:

This office represents Sixth Judicial Circuit Judge Brandt C. Downey, III. Judge Downey has directed me to report on his behalf to the Florida Judicial Qualifications Commission certain recent events. Although I do not believe that these events constitute violations of the Code of Judicial Conduct, they are nonetheless being self-reported in an abundance of caution.

Recently, as a result of maintenance on Judge Downey's office computer, court staff discovered that Judge Downey had accessed several adult sexually explicit sites. Judge Downey admits having accessed the sites, no photos were ever copied or transmitted to anyone else. The information regarding Judge Downey's conduct was provided to the State Attorney by the Chief Judge, and the State Attorney has indicated that no crime has been committed.

In addition, the Chief Judge has informed Judge Downey that he has received an indirect expression of concern about emails (two I believe) sent by Judge Downey to a female attorney. I do not currently have copies of those emails, once obtained however I will provide you with the same.

Judge Downey has agreed to take strong and significant steps to address any concern that his actions might suggest the existence of addictive behavior that needs treatment. Those actions include 1) he will

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Thomas C. MacDonald, Jr.,  
General Counsel  
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take a leave of absence from his judicial duties (this has already occurred); 2) he will be evaluated by an appropriate professional, who has been approved by the Chief Judge; 3) he will follow the treatment recommendation of the professional including residential treatment if appropriate, and 4) if treatment is required, he will not return to work until the treatment professional agrees that no conditions exist that would impair his ability to perform his functions as a Judge.

Should you require any further information, please do not hesitate to contact me. Please rest assured of Judge Downey's willingness to be open and forthright in promptly responding to any such request.

Very truly yours,



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Martin Errol Rice, Esq.

MER/ms

Cc: Ms. Brook Kennerly, Executive Director  
Florida Judicial Qualification Commission  
Hon. Brandt C. Downey, III